

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 11, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 09KD-141

Kauai

Cancellation of Revocable Permit No. S-6507 and Issuance of a Revocable Permit to
Clarence E. Kaona, for Taro Cultivation Purposes, Waioli, Hanalei, Kauai; Tax Map Key:
(4) 5-5-06:05

APPLICANT:

Clarence E. Kaona, single, tenant in severalty.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waioli, Hanalei, Kauai, identified by Tax Map
Key: (4) 5-5-06:05, as shown on the attached map labeled Exhibit A.

AREA:

0.4 acres, more or less.

ZONING:

State Land Use District:	Agricultural
County of Kauai CZO:	Agricultural

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-6507, David K. Kaona, III, Kenneth K. Kaona

and Clarence E. Kaona, Permittee, for taro cultivation purposes. Permit originated on July 1, 1987 to present.

CHARACTER OF USE:

Taro cultivation purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$13.00 (current rent for RP S-6507)

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond the previously existing."

DCCA VERIFICATION:

Applicant is sole proprietorship and, as such, is not required to register with DCCA.

BACKGROUND:

Revocable Permit No. 1776 was issued by the Department to David Kaona beginning March 1, 1957. The monthly rent was \$10.00

The Land Board at its meeting of July 22, 1983, under agenda Item F-1-a, authorized the termination of Revocable Permit No. 1776 and issuance of a revocable permit to David Kaona, Jr.; David K. Kaona, III; and Kenneth K. Kaona. Mr. Kaona, Jr. wanted to add the names of his 2 sons to the revocable permit. Revocable Permit No. S-6042 was issued effective August 1, 1983. The monthly rent was \$19.00

The Land Board at its meeting of May 22, 1987, under agenda Item F-14, authorized the termination of Revocable Permit No. S-6042 and issuance of a revocable permit to David K.

Kaona, III; Kenneth K. Kaona; and Clarence E. Kaona. Due to the passing of Mr. Kaona, Jr., the surviving Permittee's requested the name of their brother, Clarence E. Kaona be added to the revocable permit. Revocable Permit No. S-6507 was issued effective July 1, 1987. The monthly rent is \$13.00

REMARKS:

On October 5, 2009, Mr. Clarence E. Kaona notified Land Division, that his brother, David K. Kaona, III had passed away in August 2004. His other brother, Kenneth K. Kaona has retired from farming taro and no longer wants his name on the revocable permit. Mr. Kaona is requesting a new revocable permit to himself.

Mr. Clarence E. Kaona has been cultivating taro on the State property with his brothers since 1987. Therefore, Mr. Kaona is qualified as a bona fide farmer pursuant to Section 171-14.5, Hawaii Revised Statutes.

Mr. Kaona has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Staff recommends the monthly rent for new revocable permit be the same as Revocable Permit No. S-6507, which was approved by the Land Board at its meeting of October 23, 2009, under agenda Item D-9. Furthermore, the use of the State property will continue as taro cultivation, as it has been since 1957.

Staff solicited comments, as follows:

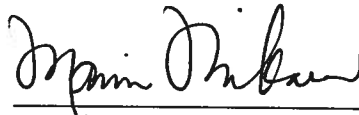
DOH	No environmental health concerns
Historic Preservation	No historic properties will be affected
CWRM	No comments
DOA	No comments
OHA	No response by suspense date
Planning Dept.	No objections
Public Works	Area in flood plain
Dept. of Water	No response by suspense date
NRCS	No response by suspense date

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the cancellation of Revocable Permit No. S-6507.

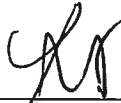
3. Authorize the issuance of a revocable permit to Clarence E. Kaona covering the subject area for taro cultivation purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



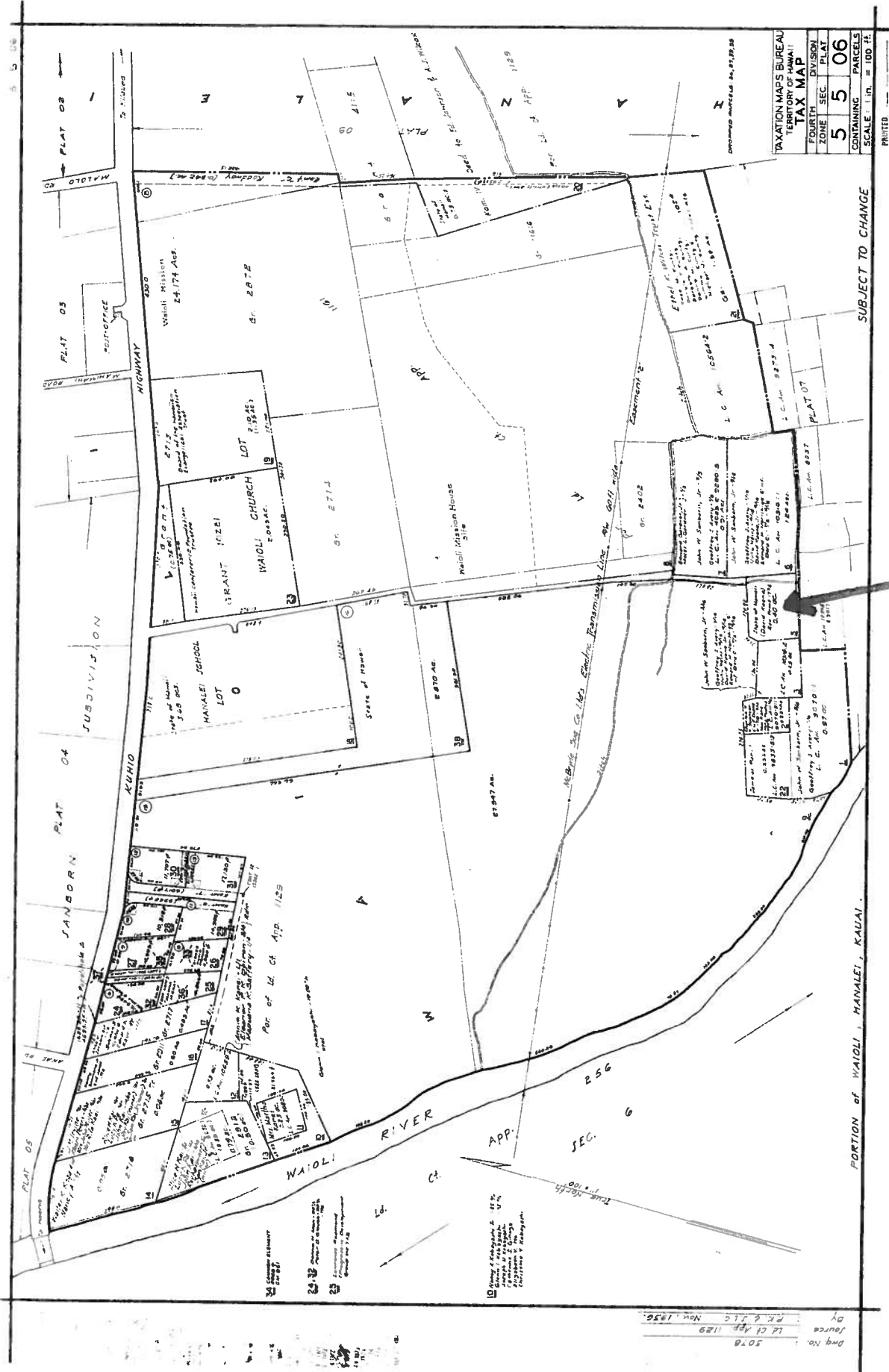
Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





TAXATION MAPS BUREAU TERRITORY OF HAWAII TAX MAP			
FOURTH ZONE	SEC	DIVISION PLAT	PARTS CONTAINING
5	5	06	PARCELS

SUBJECT TO CHANGE

PORTION OF WAIOLU, HANALET, KAUAI

Source: L.C. App. 1129 Nov. 1956
Dwg. No. 5078